

## Classification and Pay Administration

### Regular Within-Rate Increases (RWRI) and Locality-based Comparability Payments

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**Summary of Changes.** This regulation replaces the earlier version, dated 1 June 2006. It replaces the terminology of Within-Grade Increase (WGI) with Regular Within-Rate Increase (RWRI). This regulation also replaces any Technician AGR Administrative Instruction (TAAI) concerning this subject published before 15 October 2007.

**Applicability.** California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management.

**Proponent and Exception Authority.** The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulations.

**Supplementation.** Supplementation of this regulation is prohibited.

**Suggested Improvements.** Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

**Distribution.** Distribution of the regulation is Army - A and Air Force - F.

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#### Content (listed by paragraph number)

	Paragraph
Purpose . . . . .	1
References . . . . .	2
Regular Within-Rate Increases (RWRI) – Federal Wage System (FWS) Employees . . . . .	3
Regular Within-Rate Increases (RWRI) – General Schedule (GS) Employees . . . . .	4
Actions to Withhold Regular Within-Rate Increases (RWRI) . . . . .	5
Reemployment after Military Service . . . . .	6
Locality-Based Comparability Payments . . . . .	7

#### 1. Purpose.

This full-time personnel regulation describes Regular Within-Rate Increase (RWRI) procedures and Locality-Based Comparability Payments for California National Guard military technicians.

#### 2. References.

- a. 32 U.S.C. § 709
- b. 5 U.S.C. §§ 5333 and 5343
- c. 5 CFR 531.401 – 531.414
- d. 5 CFR 531.501 – 531.508
- e. 5 CFR 532.417
- f. DoD 1400.25-M, Chapter 500
- g. DoD 7000.14-R, Volume 8, Chapter 3.

#### 3. Regular Within-Rate Increases (RWRI) – FWS Employees.

The Federal Wage System (FWS) is a locality-based system and covers trades and crafts related fields. The FWS has 15 grades for Non-Supervisory (WG) positions, 15 grades for Wage Leaders (WL) and 19 grades for Supervisory (WS) positions with five steps per grade. Pay increases are determined by local wage survey; the

change is unique to the wage area percentage of basic pay, and may increase, decrease or remain the same. All FWS technicians are eligible for RWRI and are based on longevity and job performance.

a. Required Waiting Period For FWS RWRI:

Step 2	6 months
Step 3	18 months
Step 4 – 5	2 years

b. Job Performance. Technicians must have overall ratings of fully successful to receive a RWRI. For FWS technicians, the procedures in 5 CFR 532.417 apply.

#### 4. Regular Within-Rate Increases (RWRI) – GS Employees.

a. The General Schedule (GS) pay system is a nationwide system. GS covers professional, administrative, clerical and protective positions and has 15 grades with 10 steps in each grade. GS pay can be increased by nationwide adjustments, promotions and RWRI. Permanent and indefinite technicians' pay can be adjusted by within-grade or step increases based on longevity and job performance (temporary GS technicians are not eligible for RWRI).

b. Required Waiting Period For GS RWRI:

Step 2 - 4	1 year
Step 5 - 7	2 years
Step 8 - 10	3 years

c. Job Performance. Technicians must have overall ratings of fully successful. The waiting period for a RWRI begins with the technician's initial appointment. A new waiting period begins whenever a technician receives a RWRI (other than a Irregular Performance Pay); is re-employed after a break in service of more than 52 continuous calendar weeks; or returns to duty after a continuous period in a non-pay status for more than 52 weeks (this does not apply if the technician is on active duty or active duty for training).

d. For GS technicians with acceptable performance, the procedures in 5 CFR 531.404 – 531.407 and 531.412 apply. For GS technicians with less than acceptable performance, the procedures in 5 CFR 531.409 – 531.411 and 531.412 apply. Under appeals of withheld increases, the procedures in 5 CFR 531.414 may apply.

#### 5. Actions to Withhold Regular Within-Rate Increases (RWRI).

a. Procedures to Withhold a RWRI. If the immediate supervisor determines that the technician's work is not at a fully successful level, the supervisor will initiate action designed to withhold the RWRI. The first action is to review the case with the next level of supervision in the chain of command for his/her concurrence. The immediate supervisor will then discuss the possibility of withholding his/her RWRI and advise the technician in writing at least 60 days before the end of the waiting period. A copy of the written notification letter will be forwarded to the Directorate for Human Resources as soon as the technician acknowledges receipt.

(1) The immediate supervisor will continue to observe and evaluate the technician's performance. Two weeks before the end of the waiting period, the immediate supervisor will determine if the technician's performance has improved sufficiently to warrant the RWRI. If the increase is to be granted, the immediate supervisor will initiate and forward to the Directorate for Human Resources a Request for Personnel Action (SF-52) approving the RWRI.

(2) If performance has not improved sufficiently and the RWRI should not be granted, the immediate supervisor will discuss the reasons with the technician and advise the technician in writing. The written notification letter will be signed by both the immediate supervisor and the next level supervisor. The technician will acknowledge receipt of the written notification letter withholding the RWRI and the supervisor will forward to the Directorate for Human Resources. A technician's refusal to sign the written notification letter will not negate withholding the increase. If a technician refuses to sign the written notification letter, the supervisor will have a third party attest to the fact that the technician refused to sign the written notification letter and annotate that fact on the bottom of the written notification letter with his/her signature.

b. Reconsideration and Redetermination of Withholding a RWRI. A technician may request reconsideration of a determination to withhold a RWRI by submitting a written request for reconsideration to the immediate supervisor within 15 calendar days after receipt of the written notification letter that the RWRI was denied. Additional time may be allowed to submit the letter if the technician is unable to respond because of circumstances beyond their control.

(1) The technician's request for reconsideration will be considered by the immediate supervisor who signed the written notification letter and will forward it to the official indicated below for their concurrence/non-concurrence of the request for reconsideration:

- (a) ARNG – Directorate of Activity/Organization.
- (b) ANG – Air Commander/Detachment Commander.
- (c) JFHQ – Appropriate Deputy Adjutant General.

(2) If the re-determination is unfavorable, the immediate supervisor will advise the technician in writing. The written notification letter will include the technician's appeal rights.

c. Approving the RWRI when performance has reached the fully successful level. If at any time within 52 weeks after the determination to withhold a RWRI, the immediate supervisor determines the technician has reached a fully successful level, a SF-52 (Request for Personnel Action) will be prepared and forwarded to the Directorate for Human Resources to grant the RWRI. Upon receipt of the SF-52 in the Directorate for Human Resources the RWRI will be effected. The RWRI will be effective the pay period following the date the SF-52 was received in the Directorate for Human Resources.

#### **6. Reemployment after Military Service.**

The pay of a technician who is restored or reemployed upon return from military service is established at a rate at least equal to the rate the technician would be receiving if the technician had continued to serve in that position. For related information on USERRA, refer to CNGFPR 353.

#### **7. Locality-based Comparability Payments.**

Pursuant to sections 5304 and 5304a of title 5, United States Code, locality-based comparability payments shall be paid. Typically General Schedule (GS) employees are entitled to the locality pay based on the corresponding locality pay area (defined below) as determined by the duty location. Employees serving on a Special Salary Rate (SSR) are entitled to the greater of the General Schedule plus locality or the SSR rate of pay. In those rare cases where locality exceeds the SSR, employees are entitled to a locality rate which is the difference between the SSR rate and the corresponding locality rate of pay.

- a. Rest of US – Those areas which are not located in any of the below OPM established locality areas.
- b. Los Angeles-Long Beach-Riverside, CA.
- c. Sacramento-Arden-Arcade-Truckee, CA-NV.
- d. San Diego-Carlsbad-San Marcos, CA.
- e. San Jose-San Francisco-Oakland, CA.

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